

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

DAVID MICHAEL SLAUGHTER,

Plaintiff,

v.

TOM GRAMIAK, et al.,

Defendants.

CIVIL ACTION NO.: 5:15-cv-90

ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 120). No party to this action filed Objections to the Report and Recommendation. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court, **GRANTS** Defendant Bennett-Patten's Motion for Summary Judgment, (doc. 115). The Clerk of Court is **DIRECTED** to terminate Defendant Bennett-Patten on the docket of this case.

Given the current procedural posture of this case, the Court finds it appropriate to provide directions to the parties regarding the opportunity to have this case assigned to a United States Magistrate Judge. Recognizing the United States Magistrate Judges' expertise regarding the subject matter of this case, the Court has designated the Magistrate Judges of this District to exercise plenary jurisdiction over this type of case. Consequently, if all parties consent, the Court will assign this case to a Magistrate Judge, and that Magistrate Judge will thereafter conduct any and all proceedings in this matter, including any trial and entry of final judgment pursuant to 28 U.S.C. § 636(c). If any party does not consent, the Court will not assign this case to the Magistrate Judge. Each party is free to withhold consent to the assignment, and no party will suffer any

substantive consequences from withholding consent. However, in the Court's experience, cases of this subject matter are typically resolved more efficiently if the entire action is assigned to a Magistrate Judge.

If any party does not consent to this case being assigned to a Magistrate Judge, the Court will still refer all pretrial matters to a Magistrate Judge in the following manner:

- Pursuant to 28 U.S.C. § 636(b)(1)(A), even if the parties do not consent and the case is not assigned to a Magistrate Judge, the Court will refer any and all non-dispositive pretrial matters to a Magistrate Judge for a determination.¹ The District Judge will only reconsider the Magistrate Judge's decision as to any non-dispositive pretrial matter if the decision is clearly erroneous or contrary to law.
- Pursuant to 28 U.S.C. § 636(b)(1)(B), even if the parties do not consent and the case is not assigned to a Magistrate Judge, the Court will refer all dispositive motions to a Magistrate Judge for a recommendation. As to any such dispositive motions, the Magistrate Judge will submit a Report and Recommendation to the District Judge with proposed findings of fact and recommendations for disposition. The District Judge will then make a de novo determination of those portions of the Report and Recommendation to which any party objects, and the District Judge may accept, reject, or modify, in whole or in part, the findings and recommendations made by the Magistrate Judge.

¹ Non-dispositive pretrial matters include all pretrial motions except for the following motions: motions for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. These excepted motions are hereinafter referred to as "dispositive motions."

The Clerk of Court shall attach to this Order the Court’s form entitled “Statement Regarding Assignment of Case to a United States Magistrate Judge.”² Each party remaining in this case shall use this form to indicate whether the party consents or declines to consent to the Court assigning this case to a Magistrate Judge. Plaintiff and the remaining defendants must separately complete, sign, and file this form within **fourteen (14) days of the date of this Order**. Any pro se party shall sign the form directly, and counsel for any represented party or parties shall sign the form on the represented parties’ behalf. If counsel represents more than one party, counsel may file a joint form for all of counsel’s clients who make the same election regarding assignment to a Magistrate Judge.³ In accordance with 28 U.S.C. 636(c)(2)’s directive to “protect the voluntariness of the parties’ consent,” the executed forms shall be filed on the docket in a restricted manner whereby only the filing party and the office of the Clerk of Court may access the actual filing.⁴ However, the filing shall be docketed in such a manner whereby the docket entry reflecting the parties’ filing of the form (but not the substance of the party’s election) shall be viewable to the Court. Any party failing to timely file an executed Statement Regarding Assignment of Case to United States Magistrate Judge may face sanctions including but not limited to the striking of the party’s claims or defenses.

² This form is also available on the Court’s website at www.gasd.uscourts.gov/Judge-Baker-Civil-Cases.

³ For example, if all of counsel’s clients consent to assignment to a Magistrate Judge, counsel may file one joint Statement Regarding Assignment indicating that those parties all consent.

⁴ Pro se parties may mail the executed Statement Regarding Assignment of Case to United States Magistrate Judge to the Clerk of Court, and the Clerk will file it in a restricted manner. Counsel shall use the Court’s electronic case filing system to file the Statement. Counsel shall use the event in CM/ECF titled “Statement Regarding Assignment of Case to United States Magistrate Judge” located under Civil Events → Other Filings → Other Documents, and the document will automatically be filed in a restricted manner.

All other deadlines in this case, including the deadline for the filing of the pretrial order, are hereby **CONTINUED** until further order of the Court.

SO ORDERED, this 24th day of June, 2021.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA